**From:** Darrell Geist <z@wildrockies.org>
**Subject:** **Fwd: FREEDOM OF INFORMATION ACT REQUEST**
**Date:** October 17, 2011 11:30:21 AM PDT
**To:** dan.tebbuttlaw@gmail.com
1 Attachment, 14.2 KB

Date: Wed, 12 Oct 2011 11:07:24 -0600
To: FOIA.Officer@aphis.usda.gov
From: Darrell Geist <z@wildrockies.org>
Subject: FREEDOM OF INFORMATION ACT REQUEST
Cc: z@wildrockies.org



**BUFFALO FIELD CAMPAIGN**
P.O. BOX 957
WEST YELLOWSTONE, MONTANA 59758
(406) 646-0070 PHONE (406) 646-0071 FAX
http://www.buffalofieldcampaign.org
buffalo@wildrockies.org

October 12, 2011

Tonya Woods, FOIA/PA Officer
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road, Unit 50
Riverdale, MD 20737-1232
Tel. 301-734-5267
Fax 301-734-5941
Email: FOIA.Officer@aphis.usda.gov

**RE: FEDERAL FREEDOM OF INFORMATION ACT REQUEST**

Ms. Woods:

Pursuant to the federal Freedom of Information Act (5 U.S.C. 552 et. seq.), the Buffalo Field Campaign is filing this request for information.

The Buffalo Field Campaign is a 501(c) (3) non-profit, public interest, grassroots media-based organization, which provides news reports directly to thousands of supporters which include concerned American citizens, and tourists from around the globe, as well as to regional, national and international media.

We would prefer an electronic copy of this information but we would be happy to get a paper copy of anything that is not available electronically.
We request the following documentation:

1. The APHIS Decision Memos for outgoing funds to State of Montana, Department of

Livestock, Bison Operations for the fiscal years 2008, 2009, 2010, 2011, and 2012;

2. The environmental analyses, if any, conducted pursuant to the National Environmental Policy Act (NEPA) for the Decision Memos listed in Item #1; and

3. The consultations with the U.S. Fish and Wildlife Service, if any, conducted pursuant to the Endangered Species Act (ESA) for the Decision Memos listed in Item #1.

To our knowledge, this information is not available from any other federal, state, or public agency required to provide it. In addition, the release of this information will not result in financial benefit to Buffalo Field Campaign or any individuals, groups or organizations.

As you know, the Freedom of Information Act (FOIA) provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. We expect to receive all non-exempt portions of the documents that we have requested, and ask that you justify any deletions by reference to specific exemptions allowed under the FOI Act. The Buffalo Field Campaign reserves the right to appeal a decision to withhold any materials.

We hereby request a fee waiver for all search and duplication fees under the FOIA regulations [5 U.S.C. Sec. 552 (a) (4) (A) and 36 CFR 2.19(c) (1)]. The information requested will benefit the citizens of the United States and is for the purpose of public education and to encourage public debate on important policy issues. The requested information will be made available to the public through Buffalo Field Campaign's central office and/or our website.

Information available through the office and website is used in press conferences and releases, television and radio interviews, and regional and national publications, and reaches a significant number of individuals nationwide, including through the following news sources: New York Times, Los Angeles Times, Washington Post, CNN, CBS, ABC, NBC, Headline News, London Times, UK Guardian, Japanese and German TV, National Geographic, PBS, Associated Press (nationally syndicated), Reuters (internationally syndicated), Planet Green Discovery Channel, Examiner, Indian Country Today, News from Indian Country, Bozeman Daily Chronicle, Helena Independent Record, Billings Gazette, Missoulian, Great Falls Tribune, West Yellowstone News, Livingston Enterprise, Montana Pioneer, Montana Standard, Flathead Beacon, Missoula Independent, Big Sky Weekly, Montana Public Radio, Pacifica Radio Stations, WBAI First Voices Indigenous Radio, KBZK-TV Bozeman, KXLF-TV Butte, ABC Montana, NBC Montana, CBS Montana, KGNU Colorado, Fox News Channel 8 Cleveland, Montana News Casper Star Tribune, Planet Jackson Hole, Jackson Hole News & Guide, Jackson Hole Weekly, Island Park News, Salt Lake Tribune, Powell Tribune, Ag Information Network, Idaho Statesman, Huffington Post, Word Press, New West, Yahoo! News, AlterNet, Mother Jones, Prairie Star, The Republic, Environmental News Service, Earth First! Journal, Mother Nature Network, CounterPunch, Animal People, Independent Media, multiple blogs and online news resources.

The language of the FOIA clearly indicates that Congress intended fees not to be a barrier to private individuals or public interest organizations seeking access to government records. In addition, the legislative history of the FOIA fee waiver language indicates that Congress intended a liberal interpretation of the phrase "primarily benefiting the public." This suggests that all fees are to be waived whenever the release of information contributes to public debate on important policy issues. This has been affirmed by the US Court of Appeals for the District of Columbia, in *Better Government Association v. Department of State,* 780 F. 2d 86 (D.C. Cir. 1986). In that case, the court found that under the FOIA, Congress had explicitly recognized the need for non-profit organizations to have free access to government documents and those

government agencies cannot impair this free access by charging duplication or search for FOIA information requests. *Id.* at 89.

I appreciate your help and prompt response. Thank you for your time.

Sincerely,

/s/
Darrell Geist
Habitat Coordinator
Buffalo Field Campaign
P.O. Box 957
West Yellowstone, MT 59758
406-646-0070
http://www.buffalofieldcampaign.org